

REMARKS

The present application contains claims 1-16, 31 and 34-35.

Examiner Interview

An Examiner Interview was held on August 22, 2008 between Examiner Robertson and representative for the Applicants, Xiang Lu.

During the interview, the proposed claim amendment was discussed. Examiner Robertson indicated that he will advance the examination of the amended claims in view of Kimball. The rejections under 35 USC §101 were discussed. Examiner Robertson further indicated that he may request further restriction/election of the claims as a result of the proposed amendment. The inclusion of the two “predefined set” in the claims may overcome the prior art of record.

Claim Amendment

The application was examined with claims 1-16, 31 and 34-35. Applicants have cancelled claims 5-11, 31 and 35 without prejudice or disclaimer.

Applicants have amended claims 1-4, 12-16 and 34, and to better describe the embodiments of the present invention, to a scope commensurate with the support of the specification.

In this amendment, Applicants have amended claims 1-4, 12-16 and 34 and cancelled claims 5-11, 31 and 35 from further consideration in this application. Applicants are not conceding that the subject matter encompassed by claims 5-11, 31 and 35, prior to this amendment is not patentable over the art cited by the Examiner. Claims 1-4, 12-16 and 34 were amended and claims 5-11, 31 and 35 were cancelled in this Amendment solely to facilitate expeditious prosecution of this application. Applicants respectfully reserve the right to pursue claims, including the subject matter encompassed by claims 5-11, 31 and 35, as presented prior to this amendment and additional claims in one or more continuing applications.

Applicants have added claims 36-45.

No new matter has been introduced by way of the amendment.

Support for amendment to claim 1 may be found, for example,

“a predefined set”: at page 24, line 9; page 124, line 21 to page 126 line 44, Figures 6 to 11 with predefined dimensions 320-360, and the description thereof;

“shared”: at page 104, lines 21 and 22; and page 19, line 1

“common dimensions”: at page 104, lines 18 and 24; and page 105, line 20 et seq.

“representing business reference aspects of the plurality of organizations”: at page 12, line 7, and page 105, line 24;

“the predefined set of shared common dimensions including a subset representing the business reference aspects of a particular organization in the plurality of organizations”: at page 101 line 28, to page 102, line 8, and Figures 8-10.

“a second predefined set of measures representing measurements of business activity aspects of the plurality of organizations”: at page 127, line 1 to page 141, line 19 describing the data structures of 1722-1724, 1728-1731, 1725-1727, 1732-1735, 1713-1721, 1707-1712 as illustrated in Figures 11, and 12A-12AE

“the second predefined set of measures grouped into areas of analysis to answer business questions applicable to the plurality of organizations representing the business activity aspects of the particular organization”: at page 11, lines 24-25;

“a third subset of the areas of analysis used to analyze the particular organization”: at page 101, line 28, to page 102, line 8, Figures 8-10.

Dependent claims 4-11 have been merged into claim 3 in Markush form.

Support for amendment to claim 14 may be found, for example, at page 10, line 18.

Support for claim 36 may be found, for example,

“building a business model for a data warehouse”: at page 2, lines 5 and 6.

“selecting a market; identifying a particular organization in the market; analyzing the

particular organization to collect organizational information; determining business questions based on the collected organizational information; merging the business questions into a subset of areas of analysis of a business model applicable to the particular organization; decomposing the subset of areas of analysis into dimensions and measures": at page 20, lines 13-21;

"the dimensions representing business reference aspects of the particular organization": at page 12, line 7, and page 105, line 24;

"providing a predefined set of shared common dimensions representing business reference aspects of a plurality of organizations, the plurality of organizations including the particular organization": at page 12, line 7; page 19, line 1; page 24, line 9; page 104, lines 18, 21 - 22 and 24; page 105, line 20 et seq.; page 105, line 24; page 124, line 21 to page 126 line 44, Figures 6 to 11 with predefined dimensions 320-360, and the description thereof;

"providing a second predefined set of measures representing measurements of business activity aspects of the plurality of organizations": at page 127, line 1 to page 141, line 19 describing the data structures of 1722-1724, 1728-1731, 1725-1727, 1732-1735, 1713-1721, 1707-1712 as illustrated in Figures 11, and 12A-12AE;

"the second predefined set of measures grouped into areas of analysis including the subset of areas of analysis merged from the business questions of the particular organization": at page 104, line 28 to page 105, line 8, and Figures 8-10;

"mapping relationships between the predefined set of shared common dimensions and the second predefined set of measures, the relationships allowing for areas of analysis to use shared common dimensions for cross-functional analysis": in claim 1 as originally filed.

Support for claim 38 may be found, for example, at page 10, line 28.

Support for claim 39 may be found, for example, in Figure 6 where dimension 320 is used by areas of analysis in functional areas 402-404.

Support for claim 40 may be found, for example, at page 24, lines 3-5, and Figure 6.

Support for claim 41 may be found, for example, at page 100, line 30.

Support for claim 42 may be found, for example, at page 11, line 23.

Support for claim 43 may be found, for example, at page 12, lines 1-2.

Support for claim 44 may be found, for example, at page 10, line 30.

Rejection under 35 U.S.C. § 101

The Examiner has rejected claims 1-16, 31, 34 and 35 as being directed towards non-statutory subject matter.

Claims 5-11, 31 and 35 have been cancelled, thus rendering the Examiner's rejections to these claims moot.

The Office appears to interpret the claimed business model as abstract idea or "nonfunctional data".

Applicants respectfully request reconsideration.

Claims 1 and 34 include the limitations of dimensions, measures and relationships. These limitations are elements of a data structure, not an abstract idea. "The definition of 'data structure' is 'a physical or logical relationship among data elements, designed to support specific data manipulation functions.'" The New IEEE Standard Dictionary of Electrical and Electronics Terms 308 (5th ed. 1993). See MPEP 2106.01, first paragraph.

Claims 1 and 34 now recite: *inter alia* "a third subset of the areas of analysis used to analyze the particular organization" and "when employed in a computer processor, allowing for areas of analysis to use common dimensions for cross-functional analysis". Therefore, the claimed subject matter of claims 1 and 34 imparts functionality when employed as a computer component, and is functional descriptive material. "In this context, "functional descriptive material" consists of data structures and computer programs which impart functionality when employed as a computer component." See MPEP, *ibid*.

Furthermore, a claimed computer-readable medium encoded with a data structure

defines structural and functional interrelationships between the data structure and the computer software and hardware components which permit the data structure's functionality to be realized, and is thus statutory. See MPEP 2106.01 (I).

Withdrawal of the rejections under 35 U.S.C. § 101 is therefore respectfully requested.

Rejection under 35 U.S.C. § 112

The Examiner has further rejected claims 1-16, 31, 34 and 35 as being indefinite. Applicants respectfully request reconsideration of this rejection.

Claims 5-11, 31 and 35 have been cancelled, thus rendering the Examiner's rejections to these claims moot.

Applicants have amended claim 1 by deleting "or executed in a computer processor".

Applicants have amended claim 34 by deleting "product" in the preamble.

Withdrawal of the rejections under 35 U.S.C. § 112 is therefore respectfully requested.

Conclusion

It is submitted that all of the stated grounds of rejection have been properly traversed, accommodated, or rendered moot. Applicants therefore respectfully request that the Examiner reconsider all presently outstanding rejections and that they be withdrawn. Applicants believe that a full and complete reply has been made to the outstanding Office Action and, as such, the present application is in condition for allowance.

Respectfully Submitted,

/John Harris/

John D. Harris
Reg No. 39,465

c/o

GOWLING LAFLEUR HENDERSON LLP
160 Elgin Street, Suite 2600
Ottawa, Ontario

The Honorable Commissioner of Patents
and Trademarks

Page 14

K1P 1C3 CANADA

Telephone: (613) 233-1781
Facsimile: (613) 563-9869